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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,031 02/07/2		02/07/2000	Kyung-Geun Lee	1293.1090/MDS	9630
	21171 7	21171 7590 10/20/2003		EXAMINER	
	STAAS & HALSEY LLP SUITE 700			HINDI, NABIL Z	
	1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT	PAPER NUMBER
				2655	25

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summany	09/499,031	LEE, KYUNG-GEUN				
Office Action Summary	Examiner	Art Unit				
The MAILING DATE of this communication app	NABIL Z HINDI	2655				
Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status						
1) Responsive to communication(s) filed on 10 S	<u>September 2003</u> .					
2a)⊠ This action is FINAL. 2b)☐ Thi	s action is non-final.					
3) Since this application is in condition for allowa						
closed in accordance with the practice under <i>E</i> Disposition of Claims	ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
4) Claim(s) 56-63 is/are pending in the application	n.					
4a) Of the above claim(s) is/are withdraw	n from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) <u>56-63</u> is/are rejected.	6) Claim(s) <u>56-63</u> is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a)⊠ All b) Some * c) None of:		•				
1. Certified copies of the priority documents	s have been received.					
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal F	(PTO-413) Paper No(s) Patent Application (PTO-152)				
S. Patent and Trademark Office						

U.S. Patent and Trademark Office PTOL-326 (Rev. 04-01) Application/Control Number: 09/499,031

Art Unit: 2655

In response to applicant's amendment dated September 10, 2003. The following action is taken:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action is taken:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 56-63 are rejected under 35 U.S.C. 102(b) as being anticipated by WO98/13823.

Applicants pointed out that the claimed invention read on the embodiment as illustrated in fig 3. The reference shows an optical disk recording and reproducing apparatus comprising: an alternate land and groove tracks. Each of the land and groove tracks having wobbled tracks that is out of phase with respect to each other as shown in fig 38. The reference also shows a servo apparatus having 'photo detection means 113 in order to detect address data (PID), PA1, 210, 200..etc, thus determining the wobble signals as shown in fig s15 and 31.

Applicant's arguments with respect to claims 56-63 have been considered but are most in view of the new ground(s) of rejection.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (703) 308-1555.

NABIL HINUT RIMARY EXAMINER GROUP 2500

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